IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/04/2004

CORAM

THE HONOURABLE MR.JUSTICE F.M.IBRAHIM KALIFULLA

W.P.No.17456 of 2002
and
W.P.M.P.Nos.1109, 1110 and 23737 of 2002

Tamil Nadu Samuga Seva Sangham
Kallikudi (Regn. No.80/69)
rep. by its Founder & President
S.Ramaswamy
Kallikudi 625 701
Madurai District .. Petitioner

-Vs-

1. The Registrar of Societies
District Registrar
(Administration)
Madurai (South)
Palace Road
Madurai 625 001.
2. Mrs.T.Mercy Annapoorani .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for a issue of certiorarified mandamus as stated therein.

For Petitioner : Mr.M.Venkatachalapathy
Senior Counsel
for Mr.M.Sriram

For Respondents : Mr.M.Hidayathulla Khan
Government Advocate for R1
Mr.G.R.Swaminathan for R2
:ORDER

The petitioner, which is a Seva Sangam, seeks to question the order of the first respondent dated 12.4.2002, made in its proceedings in Mu.Mu.No.819/E2/2002, with a consequential direction to the said respondent to approve Form No.VII filed by the petitioner on 25.1.2002.
2. In order to resolve the controversy involved in this writ petition, the brief facts required to be stated are:
The petitioner, which is a Seva Sangam, was stated to have been registered in the year 1969 under the provisions of the Tamil Nadu Societies Registration Act. The petitioner Society is catering to the needs of the

working women by running a Hostel, apart from running an Orphanage, Creches and also a Primary School for children, all of which were being managed and administered with the Central Government's aid of the order of about Rs.6.00 lacs per year. The Institutions are stated to be functioning in a place called Kallikudi near Madurai Town. The second respondent was stated to have been admitted as a member of the petitioner Society in the year 1998. It is also not in dispute that in an Annual General Body Meeting held on 23.12.1998, various Office Bearers got elected including the second respondent, who came to be elected as the Secretary of the petitioner Society. The period of Office was to continue till 31.12.2001. It is stated that for some stated reasons, the petitioner issued a show cause notice to the second respondent on 12.3.1999, and as there was no reply, in an extraordinary General Body Meeting, convened on 22.8.1999, after issuance of a notice dated 31.7.1999, the second respondent and four other Executive Committee Members came to be removed. It is also claimed that the said fact of removal was informed to the second respondent and the other persons by a notice dated 8.9.1999, which notice was stated to have been refused by the second respondent. Be that as it may, the second respondent is also claimed to have conducted a rival General Body Meeting in respect of the very same petitioner Society on 12.9.1999, in which she claims that the President of the petitioner Society and 13 others were removed not only from the post held by them, but also even from the primary membership. Pursuant to the said rival General Body Meeting stated to have been held on 12.9.1999, the second respondent approached the first respondent herein for approval of the proceedings including the election of the new set of Office Bearers, and by proceedings dated 11.11.1999, the first respondent has granted the necessary approval of the Office Bearers said to have been elected in the so-called meeting held by the second respondent. The petitioner has filed a suit in O.S.No.938 of 1999 on the file of the Sub Court, Madurai, seeking for various reliefs including a declaration to set at naught the proceedings of the first respondent dated 11.11.1999.

3. It is common ground that the said suit is ripe for trial, and the evidence has also been recorded. The suit is in the midst of part heard stage. That apart, after this writ petition was entertained, an order of interim injunction was granted in W.P.M.P.No.23737 of 2002 preventing the second respondent and anyone acting on her behalf, from interfering with the management of the petitioner Society pending disposal of the writ petition, and the said interim injunction continue to remain in force till this date. Further, there was also an attempt made by this Court to resolve the whole controversy by appointing an Advocate Commissioner. But, unfortunately, the same did not yield the desired result, since the Advocate Commissioner wanted to recuse himself from the proceedings. Accordingly, by an oder dated 10.3.2003, this Court also recorded the sentiment expressed by the Advocate Commissioner, and posted this writ petition itself for final disposal.

4. Having heard Mr.M.Venkatachalapathy, the learned Senior Counsel for the petitioner, Mr.M.Hidayathulla Khan, the learned Government Advocate for the first respondent and also Mr.G.R.Swaminathan, the learned Counsel for the second respondent, I am of the considered view that the controversy involved in the whole proceedings as on date, centers around the order of the first respondent dated 11.11.1999, which has recognised the status of the second respondent and the other Office Bearers, who got elected in the so-called rival General Body Meeting, stated to have been held on 12.9.1999.

When the correctness of the said proceedings is under challenge in the Civil Court and the Civil Court is seized of the matter, it is proper that both the parties await the outcome of the said civil proceedings in order to get a lasting solution to the everlasting problem of who is to manage the affairs of the petitioner Sangam. However, when it comes to the question of the interregnum period, it will have to be stated that since the order of interim injunction granted by this Court on 21.5.2002, was remaining in force till this date and the second respondent had also refrained herself from making any interference in deference to the orders of this Court, the said status-quo should be allowed to continue, while directing the Civil Court to dispose of the suit at an early date.

5. Accordingly, it is directed that the order impugned in the writ petition shall be kept in abeyance by the first respondent awaiting the outcome of the proceedings in O.S.938/99. The Sub Court, Madurai, shall expedite the disposal of the suit by giving priority to its hearings and dispose of the same within a period of three months and in any case, not later than 30.7.2004. Pending disposal of the suit, the status-quo as on date with regard to the management of the petitioner Sangam, shall be maintained, which status-quo is stated to be the management and administration of the sangam by the present set of Office Bearers led by the petitioner.

6. Hence, this writ petition is disposed of on the above terms. No costs. Consequently, connected W.P.M.Ps. are closed.

Index: yes
Internet: yes

To:

1. The Registrar of Societies
District Registrar
(Administration)
Madurai (South), Palace Road
Madurai 625 001.
2. The Government Pleader
High Court, Madras.

nsv/